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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,285	02/24/2002	Frederic Leuba	ICB-0049	1142
29116	7590	05/11/2004	EXAMINER	
ROBINSON & POST, L.L.P. NORTH DALLAS BANK TOWER, SUITE 575 12900 PRESTON ROAD, LB-41 DALLAS, TX 75230			LINDINGER, MICHAEL L	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,285

Applicant(s)

LEUBA ET AL.

Examiner

Michael L. Lindinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

Applicant has amended the Disclosure to include proper headings.

Claim Rejections - 35 USC § 112

1. Applicant has cancelled Claims 18-19, therefore the Examiner's rejection of these claims are now moot.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schafroth U.S. Patent No. 6,124,649 in view of Nelson U.S. Patent No. 4,176,362. Schafroth teaches a timepiece including in particular a functional unit (not explicitly numbered) including magnetized masses 12, an electronic module 80 including a support with conductive paths connected to at least one integrated circuit 81, wherein at least the conductive paths are in proximity to said functional unit, wherein the support is of synthetic or composite material, wherein the electronic module further includes at least a discrete electronic unit, wherein the discrete electronic unit is a capacitor 82-84, wherein said functional unit is a microgenerator, wherein said microgenerator includes a rotor (not explicitly numbered) including two flanges each having substantially the shape of a disc and each carrying, on its face facing the other flange, an even number (6) of magnetized masses, said electronic module including at least a stator coil 20-22 fixed to said support and partially inserted between the two flanges, wherein the conductive paths of said support connecting said at least one coil to said integrated circuit (Col. 2, lines 57+; Col. 3, lines 1+; FIG. 2). Schafroth does not explicitly teach the conductive paths have essentially non-magnetic properties, wherein said paths include a protective

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layer and an adherence underlayer formed of a non-magnetic material, wherein the non-magnetic material is a nickel based alloy. Nelson teaches an apparatus where alternating layers of materials are utilized, wherein the layers are made of magnetized 50 and non-magnetized 52, wherein the non-magnetized material is nickel. Further, the apparatus shows how places on a recording tape are influenced by the amount of magnetism present. Included in the apparatus are means to apply the layer through etching techniques known in building printed circuit boards (Col. 3, lines 17+; FIG. 2). In addition, within the Applicant's Disclosure, it has been established that in the prior art, said conductive paths are typically made in two steps. The first step consists in depositing an layer of a very good electrically conductive material, such as a copper or gold based alloy. The second step then consists in depositing a fine protective layer, on the conductive layer, formed of a nickel-based alloy with good resistance to oxidization. Sometimes an underlayer is deposited on the substrate before depositing the conductive layer. This underlayer, usually formed of a nickel-based alloy, allows the adherence of the conductive layer to the substrate to be improved (Disclosure, page 2, lines 29+). It would have been obvious to a person skilled in the art at the time of the invention to adapt the conductive paths of the Schafroth reference to include conductive paths made exclusively of a non-magnetic material as taught by Nelson, wherein the material is a nickel-based alloy. Normally, it is expected that a change in temperature, or in concentration, or in both, would be an unpatentable modification. Under some circumstances, however, changes such as these may impart patentability to a process if the particular ranges claimed to produce a new and unexpected result, which is different

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in kind, and not merely in degree from results of the prior art (*In re Aller*, 105 USPQ 233 (CCPA 1955)). In the instant case, if using one layer of a non-magnetic, conductive material such as nickel reduces the amount of magnetic inference when used with a layer of a magnetic conductive material, then it would be an conclusion that to minimize magnetic inference even more, it would behoove the user to utilize multiple layers of non-magnetic conductive material for the conductive paths, and eliminate magnetic conductive material from usage.

Prior Art

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yokono U.S. Patent No. 5,569,545 discloses a copper clad laminate, multi-layer printed circuit board and their processing method.
- Haji-Sheikh U.S. Patent No. 5,667,879 discloses a tan/nife/tan anisotropic magnetic sensor element comprising non-magnetic means to detect magnetic fields.

Response to Arguments

1. Applicant's arguments filed March 3, 2003 have been fully considered but they are not persuasive. Regarding Claim 1, the Applicant argues that the conductive paths of the Schafroth reference constitute a source of magnetic disturbance, thus leading to a decrease of the microgenerator yield. By definition, conductive elements, in this case the conductive paths are made of a type of metallic compound in order to satisfy a conductive condition, and metal in contact or in a proximate location to a generator causes irregularities and disturbances. The Applicant does not list ranges or values of the extent the microgenerator yield is decreased. Regarding the In response to applicant's argument that Nelson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Nelson is pertinent to the particular problem in that Nelson teaches that using non-magnetic (non-conductive) elements would reduce electrical interference normally caused by conductive and metallic items in proximity to one another. For the foregoing reasons, Claim 1 continues to be anticipated by the Schafroth and Nelson combination of the references. Accordingly, the Examiner's rejection over the Schafroth and Nelson combination under 35 U.S.C. 103(a) is upheld.

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Regarding Claims 2-17, the Applicant fails to specifically point out how the language of these Claims patentably differentiates themselves from the applied art and thus the rejection is repeated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael L. Lindinger whose telephone number is (572) 272-2106. The examiner can normally be reached on Monday-Thursday (7:30-6).

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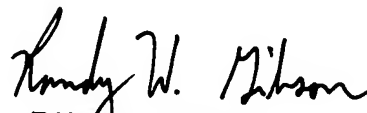
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (572) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael L. Lindinger
Examiner
Art Unit 2841

May 5, 2004
MLL



RANDY W. GIBSON
PRIMARY EXAMINER